

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

AUG 11 2005

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DWIGHT A. HOLLAND,

*Plaintiff,*

v.

THE RECTOR AND VISITORS OF THE  
UNIVERSITY OF VIRGINIA;

GORDON F. RAINEY, JR.;

ROBERT M. CAREY;

RICHARD D. PEARSON;

ARTHUR GARSON, JR.,

*Defendants.*

CIVIL ACTION NO. 3:04-CV-00048

ORDER & OPINION

JUDGE NORMAN K. MOON

Plaintiff, who is *pro se*, filed the Complaint in this case on June 21, 2004. According to Federal Rule of Civil Procedure 4(m): "If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time . . . ." Fed. R. Civ. P. 4(m). In accordance with this rule, Plaintiff was required to serve Defendants by October 19, 2004. Plaintiff did not serve Defendants within this time period. On May 26, 2005, the Court issued a 100-Day Notice to Plaintiff, giving Plaintiff until June 15, 2005, to notify the Court that service

had been accomplished on Defendants in order to avoid dismissal. Plaintiff has not responded to the 100-Day Notice within the required time period. Accordingly, pursuant to Federal Rule of Civil Procedure 4(m), this case is DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

The Clerk of the Court is directed to send certified copies of this Order to all Counsel of Record. The Clerk of the Court is further instructed to STRIKE this case from the docket.

ENTERED:

*Yvonne E. Mann*  
U.S. District Judge  
*August 11, 2005*  
Date